

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DARRYL R. CHAMBERS,

Plaintiff,

vs.

DELA CRUZ, Case Manager, Tecumseh State Prison, All employed at Lincoln Correctional Center; SCOTT FRAKES, Director, All employed at Lincoln Correctional Center; CATHY SHEIR, Warden, All employed at Lincoln Correctional Center; SHERWOOD, Case Manager, All employed at Lincoln Correctional Center; HARDY, Corporal, All employed at Tecumseh Correctional Center; PAM HILLMAN, All Employed at Tecumseh Correctional Center; JOHN DOE NOS. 1-5, and CRAIG GABLE, Warden,

Defendants.

**4:19-CV-3047**

**ORDER TO SHOW CAUSE WHY  
DEFENDANT JANE HARDY IN HER  
INDIVIDUAL CAPACITY SHOULD NOT  
BE DISMISSED FOR LACK OF  
PROSECUTION**

On July 25, 2022, Defendant Jane Hardy in her individual capacity filed a Motion to Dismiss Plaintiff Darryl R. Chambers's claims against her in her individual capacity pursuant to Federal Rules of Civil Procedure 12(b)(5) and 4(m) for insufficient and lack of timely service of process. [Filing 148](#). The Court's local rules required Chambers to file his brief opposing Hardy's Motion to Dismiss within twenty-one days of the filing of Hardy's Motion. NECivR [7.1\(b\)\(1\)\(B\)](#). Chambers has not filed a brief in opposition.

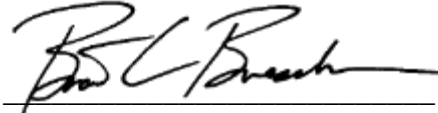
Under the Court's local rules, "a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." NECivR [41.2](#). Accordingly, the Court orders that, within seven days of the date of this Order, Chambers file a brief in opposition to Defendant Hardy's Motion to Dismiss or otherwise show cause why his claims against Hardy in her individual

capacity should not be dismissed for lack of prosecution. The Court warns Chambers that his failure to comply with this order may lead to dismissal of his claims against Hardy in her individual capacity without further notice. Accordingly,

IT IS ORDERED that, within seven days of the date of this Order, Chambers must either file his brief in opposition to Hardy's Motion to Dismiss or otherwise show cause why his claims against Hardy in her individual capacity should not be dismissed for lack of prosecution.

Dated this 2nd day of September, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge